

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CIVIL ACTION FILE NO.: 4:23-cv-77

FORMA AI INC.,	)	
Plaintiff,	)	
	)	<b>DEFENDANT'S CONSENT</b>
v.	)	<b>MOTION FOR EXTENSION OF</b>
	)	<b>SCHEDULING ORDER DEADLINES</b>
TWIC, INC.,	)	
Defendants.	)	

**DEFENDANT'S CONSENT  
MOTION FOR EXTENSION OF  
SCHEDULING ORDER DEADLINES**

Defendant Twic, Inc., by and through its undersigned counsel, and pursuant to Rules 6(b) of the Federal Rules of Civil Procedure and Rule 6.1(a) of the Eastern District Court Local Rules, hereby moves this Court for an entry of an Order extending the dispositive motions deadlines contained in the Amended Scheduling Order [D.20] in order to allow the parties to continue to mediate the matter before investing the resources into briefing summary judgment, and to align the remaining unexpired deadlines in this action with those deadlines. Counsel for Plaintiff consents to the extension requested.

In support of this Consent Motion, Defendant respectfully shows the Court that:

1. FRCP 6(b)(1)(A) and Local Rule 6.1 permit courts to extend deadlines that have not yet passed for "good cause."
2. The Parties have been engaging in settlement discussions prior to mediation. While the Parties were able to make some progress prior to mediation, they remained unable to resolve the dispute.

3. On June 25, 2024, the Parties met with the mediator and held mediation. During mediation, a possible creative business solution was suggested that could lead to resolution of the dispute. In order to determine whether this solution is viable, Defendant needs time to conduct additional research into the potential solution.

4. In order to conduct the necessary research to determine whether the potential business solution is viable, Defendant needs to meet with various information sources and stakeholders within Defendant. Some of these necessary individuals are currently on vacation, returning at the end of the week. Others are out next week for the July 4<sup>th</sup> holiday. Defendant believes that Defendant can coordinate the various necessary individuals and gather the information it needs to make a determination about the potential business solution by July 9, 2024.

5. Defendant has a call scheduled with the mediator on July 9, 2024 at noon (EST), so that the Parties can resume discussions over this potential solution. The Parties would appreciate the opportunity to determine if this solution can resolve the case before the Parties invest the money and resources into briefing summary judgment. The Parties believe that settlement is more likely if the Parties are able to investigate this potential solution before they start incurring the substantial attorneys' fees related to summary judgment.

6. The Parties have conferred and agree with the proposed modifications to the Amended Scheduling Order referenced below.

7. This Consent Motion is not brought for the purpose for delay, and the Parties are committed to moving through the end of the modified schedule expeditiously if the proposed solution is determined to be unviable.

8. Good cause exists because, as described above, the Parties have been diligently discussing settlement and are now closer to settlement than in the past. The Parties are investigating

whether a creative business solution that arose for the first time during discussions with the mediator yesterday may be viable in resolving this case. Therefore, Plaintiff and Defendant have agreed to, and hereby respectfully move the Court to enter, the following amended deadlines:

- All potentially dispositive motions shall be filed by **August 9, 2024**.

WHEREFORE, for the reasons set forth above, and with the consent of Plaintiff, Defendant respectfully requests that the Court enter an Order amending the Amended Scheduling Order [D.20] to reflect the above-referenced revised deadlines or as otherwise determined by the Court.

Respectfully submitted this the 26th day of June, 2024.

**Michael Best & Friedrich, LLP**  
**Attorneys for Twic, Inc.**

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## CERTIFICATE OF SERVICE

I hereby certify that on this the 26<sup>th</sup> day of June, 2024, I served a copy of the foregoing DEFENDANT'S CONSENT MOTION FOR EXTENSION OF SCHEDULING ORDER DEADLINES with the clerk of court using the CM/ECF system, which will send notification by electronic mail of such filing to all counsel of record.

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